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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

CHARLES MOSER,

Plaintiff,

v.

DEVIN BALLARD, an individual,  
LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT,

Defendants.

Case No. 2:17-cv-1704-APG-NJK

**STIPULATION AND ORDER  
TO CONTINUE TRIAL  
(THIRD REQUEST)**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Charles Moser and Defendants Devin Ballard and Las Vegas Metropolitan Police Department ("Defendants") by and through their undersigned counsel to continue the Trial Date set in this case on a stack for the week of March 13, 2023.

When counsel for the parties submitted their Second Request to continue the trial on February 10, 2022 (Doc. 42) did you locate the email with the Chambers due date both counsel indicated they were available anytime in the month of March. Both counsel overlooked/did not realize that the week of March 13 is Spring Break for the Clark County School District.

Both trial counsel in this case (Adam Levine and Jackie Nichols) have children enrolled in the Clark County School District. Moreover, the husband of Ms. Nichols is a teacher with the Clark County School District. Accordingly, the week of March 13 is one of the few weeks in the year that their respective families are able to take a vacation without their children missing significant school.

Moreover, since the filing of the Second Request Plaintiff's counsel had a one-week arbitration set for the week of April 24 in JAMS Case No. 5260000050 which is a multimillion-dollar breach of contract/fraud action arising out of the cancellation of the Drew Hotel project located at the site of the partially completed Fontainebleau property at 2755 Las Vegas Blvd.

Accordingly, counsel for the parties requested that the trial setting on a stack or the week of March 13 be vacated and the trial set no earlier than the month of June, 2023.

Dated this 10<sup>th</sup> day of February 2023.

Dated this 10<sup>th</sup> day of February 2023.

LAW OFFICE OF DANIEL MARKS

MARQUIS AURBACH

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Devin Ballard and Patrick Neville*

### **ORDER**

IT IS SO ORDERED that the trial date set for March 13, 2023 in this matter is VACATED and reset for July 10, 2023 at 9:00 a.m. and calendar call July 5, 2023 at 9:00 a.m. in LV Courtroom 6C.

DATED: February 13, 2023.

  
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U.S. DISTRICT JUDGE